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10/540,706	06/24/2005	Declan Patrick Kelly	NL021500	2403

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
2439	

MAIL DATE	DELIVERY MODE
03/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 January 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3 and 5_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3 and 5_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _09 January 2009_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment of 09 January 2009 has been noted and made of record.

2.   Claims 1-3 and 5 have been presented for examination.

3.   Claims 4 and 6-8 have been cancelled as per Applicant's amendment.

Response to Arguments

4.   Applicant's arguments, see page 9, filed 09 January 2009, with respect to the

specification have been fully considered and are persuasive. The objection of the specification

has been withdrawn.

5.   Applicant's arguments, see page 9, filed 09 January 2009, with respect to Figure 3 have

been fully considered and are persuasive. The objection of Figure 3 has been withdrawn.

6.   Applicant's arguments, see page 9, filed 09 January 2009, with respect to the rejections

made under 35 U.S.C. 112, 1st paragraph have been fully considered and are persuasive. The 35

U.S.C. 112, 1st paragraph rejection of claims 4 and 6 has been withdrawn.

7.   Applicant's arguments, see page 9, filed 09 January 2009, with respect to the rejections

made under 35 U.S.C. 112, 2nd paragraph have been fully considered and are persuasive. The

35 U.S.C. 112, 2nd paragraph rejection of claims 4-6 has been withdrawn.

8.   Applicant's arguments, see page 9, filed 09 January 2009, with respect to the rejections

made under 35 U.S.C. 101 have been fully considered and are persuasive. The 35 U.S.C. 101

rejection of claim 6 has been withdrawn.

9.   Applicant's arguments with respect to the prior art rejections filed 09 January 2009 have

been fully considered but they are not persuasive.   On page 9, the Applicant argues that the

Siegel reference is an improper reference because the filing date of 24 October 2003 is after the

priority date of the instant application. The Examiner agrees, but notes that Siegel claims

priority to a provisional application that was filed on 24 October 2002, and therefore has an

effective filing date of the date of the provisional application. See MPEP § 706.02(VI)(D).

Therefore, Siegel is a proper prior art reference since the effective filing date is 24 October 2002,

roughly two months prior to Applicant's claimed priority.

10.   See further rejections set forth below.

Claim Rejections - 35 USC § 103

11.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

12.   Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,385,388 B1 to Lewis et al., hereinafter Lewis, in view of U.S. Patent No. 7,305,624

B1 to Siegel, hereinafter Siegel.

13.   As per claim 1, Lewis teaches discloses a method of and information carrier player for

controlling, from an information carrier player, a user access to an information carrier and to a

server, said information carrier being associated with a preset parental control level (DVD_PCL),

said information carrier player being associated with a current parental control level selected

from among a set of parental control levels, said method of controlling comprising the steps of:

        receiving the preset parental control level associated with the information carrier (Figures

10 and 11 [step 123], column 7, lines 21-37, i.e. determining the parental rating associated with a

disk);

        comparing said current parental control level and said present parental control level

(column 5, lines 22-35);

authorizing or not authorizing access to the information on said information carrier in

dependence on said comparing step (column 5, lines 22-35).

14.   Lewis does not teach associating a list of server addresses with said parental control

levels and restricting the user access to the server addresses in said list having parental control

level lower than or equal to said current parental control level.

15.   Siegel teaches using parental controls to limit access to questionable or objectionable web

sites and content (column 38, lines 23-57).

16.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to associate a list of server addresses with said parental control levels and restrict the

user access to the server addresses in said list having parental control level lower than or equal to

said current parental control level, since Siegel states in the abstract that using parental controls

for websites will help to provide a safe Internet experience. This is especially true since US

2002/0147782 A1 to Dimitrova et al., hereinafter Dimitrova, states in paragraph 0035 that video

input streams are coming from a variety of sources these days such as DVD, VCR, cable TV,

satellite and the Internet. Furthermore, *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S.

___, 82 USPQ2d 1385 (2007) brought to light that it does not require anything more than routine

skill in the art to combine two techniques that were already to known to yield a predictable

result. In the present case, the Applicant is combining parental controls for a media player with

parental controls for web browsing.

17.   Regarding claim 2, Lewis teaches a first control sub-step for deactivating said restricting

step (Figures 10 and 11 [step 131], column 7, line 50 to column 8, line 5, i.e. overriding parental

controls).

18.   Regarding claim 3, Lewis and Siegel do not teach a second control sub-step for

forbidding the user access to any server address.

19.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to forbid access to any server, since it only takes routine skill in the art to remove

access to any server address. See MPEP § 2144.04(II); see also *Ex parte Wu*, 10 USPQ 2031

(Bd. Pat. App. & Inter. 1989).

20.   As per claim 5, Lewis teaches a method of and information carrier player for controlling,

from an information carrier player, a user access to an information carrier and to a server, said

information carrier being associated with a preset parental control level (DVD_PCL), said

information carrier player being associated with a current parental control level selected from

among a set of parental control levels, said method of controlling comprising the steps of:

        receiving the preset parental control level associated with the information carrier (Figures

10 and 11 [step 123], column 7, lines 21-37, i.e. determining the parental rating associated with a

disk);

        comparing said current parental control level and said present parental control level

(column 5, lines 22-35);

        authorizing or not authorizing access to the information on said information carrier in

dependence on said comparing step (column 5, lines 22-35).

21.   Lewis does not teach comparing said current parental control level and the highest

parental control level of said set of parental control levels; and authorizing or not authorizing

access to said server in dependence on said comparing.

22.   Siegel teaches using parental controls to limit access to questionable or objectionable web sites and content (column 38, lines 23-57).

23.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to compare said current parental control level and the highest parental control level of said set of parental control levels and authorize or not authorizing access to said server in dependence on said comparing, since Siegel states in the abstract that using parental controls for websites will help to provide a safe Internet experience. This is especially true since US 2002/0147782 A1 to Dimitrova et al., hereinafter Dimitrova, states in paragraph 0035 that video input streams are coming from a variety of sources these days such as DVD, VCR, cable TV, satellite and the Internet. Furthermore, *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. ___, 82 USPQ2d 1385 (2007) brought to light that it does not require anything more than routine skill in the art to combine two techniques that were already to known to yield a predictable result. In the present case, the Applicant is combining parental controls for a media player with parental controls for web browsing.

Conclusion

24.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

26.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

27.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

28.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2439

clf